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ABSTRACT

Designed to provide a practical approach to the rules and regulations governing implementation of the American Indian Self-Determination and Education Assistance Act (PL 93-638) in conjunction with the Johnson-O'Malley Act (JOM), this technical assistance handbook is written in comic book style. Using straightforward language, this manual synthesizes and explains the way in which this legislation should work. Among the areas covered are: the contracting relationship between the Bureau of Indian Affairs (BIA) and American Indian tribes; regulations applying to Indian corporations; Indian Education Committees; fiscal and administrative responsibilities; contracting eligibility requirements and contract proposal regulations; JOM eligibility; the authority of BIA Area Offices; supplemental and/or operational programs; Indian representation on school boards; budgets; assurances; how to prepare a contract; budget formula; Indian Procurement Regulations; management structuring; and the Arizona Revised Statutes. (JC)

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ED137023

1976-1977

JOHNSON-O'MALLEY

TECHNICAL ASSISTANCE HANDBOOK

by

Arizona Department of Education
Division of Indian Education
1535 West Jefferson Street
Phcenix, Arizona 85007
(602) 271-4391

[1976]

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
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RC009801

A ZANY LOOK at 638 & JOM

Dedication & Introduction

To the ones who made it all possible and the ones who will find it impossible....

The purpose of this booklet is to provide a short cut to the way thru the rules and regulations for anyone who qualifies above.....

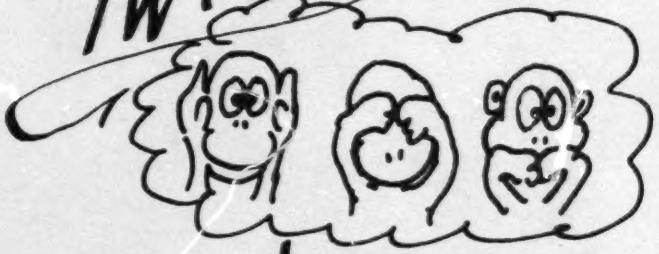
And, to enhance the special & unique educational needs of.....

HECK ... the REAL reason is to share in the confusion & fun!

may we present.....

THE RAG

with a Twist



Once upon a time..... we visitors who had come to improve our lives but we had no' tapes, the women did all the work and the kid

P.L. 93-638 : Rules & Regulation

DECLARATION

The purpose of the regulations is to implement the Indian Self-Determination & Education Assistance Act .... PL 93-638 .....

....for Education ~ by emphasizing ~ the expanded powers and responsibilities of Indian Education Committees in public school assistance programs ..... the recognition of the desirability of tribally ~ controlled and operated schools as an alternative to Federal and public learning systems ....

....an important feature is the contracting relationship which directs the Bureau to contract a program to a tribal organization upon the request of a tribe ..... Part 271

....under Part 273, a State, school district, or Indian Corporation may contract for supplemental or operational programs....

....the definition for "previously private school"... is changed by deleting the phrase "early childhood" and substituting "age 3 years" to establish a specific base age that is less ambiguous..... the term "except those who are enrolled in Bureau or sectarian operated schools" is added after "grades 12" to denote that these educational facilities are not included as eligible applicants..... the Commissioner has the delegated authority to waive any parts of these regulations .....

.....establishing Indian Education Committees where there are a majority of Indian people on the elected public school — the regulations are silent ~ it is neither required nor prohibited.... it may make provisions for such parental involvement

.....the Bureau takes the position that the regulations reflect the legislative intent & statutory provisions of the Act.... TRIBES ~ the Bureau takes the position that such issues fall within the purview of the governing bodies of tribes

The 638 Quickie:

very de Minimus run thru

§ 271

a. Congress SEZ:

we recognize our obligation & unique & continuing relationship & we require the maximum Indian participation & responsive services !!!

b. (is for) B.I.a. ⇨

⇨ to encourage
contracting

& 2 = furnish
TECHNICAL ASSISTANCE
(responsible for this by)
carrying out their ~

fiscal & administrative
responsibilities

~ to the degree practicable

>also< the regulations are not meant to and not change the eligibility criteria which individuals must meet to be eligible for any program currently operated by the Bureau.

(still 271)

C. ANY:

tribal organization is eligible to apply for a contract(s) with the BIA to plan ~ conduct ~ & admin. all or parts of its program(s)

"HOWEVER"

it must be requested to do so by the TRIBES to be served

"OR"

by TRIBAL GOVERNING BODY where the TO is the TGB; by →

271.18 RESOLUTION

Whereas: this is who we are; where we live; what we want & from what source —

Whereas: What the project will be; what the monies will used for; for who & how many; & why —

Whereas: We know that funds are available; that the proposal meets all requirements; that the proposal will operated from — to — year; it was adequately reviewed by the Indian Education Committee & us —

Whereas: the eligibles are eligibles; a person is named to carry out this project

Resolved: the we request a contract; a person is named to negotiate a contract & we make final approval according to our Constitution; if other reviews & approvals are required it will be done in our policies; includes amendments —

or: we hereby authorize the T.O. to do the above and that there is established an IEC

Resolved: that we agree or assure the BIA that the project will be operated according to the rules & regulations, also, in accordance with educational plan (proposal) but accounted by our procedures....

Certified ~ Approved
Pursuant to our Constitution & By-Laws
on ___ day 1976; X for & X against.....

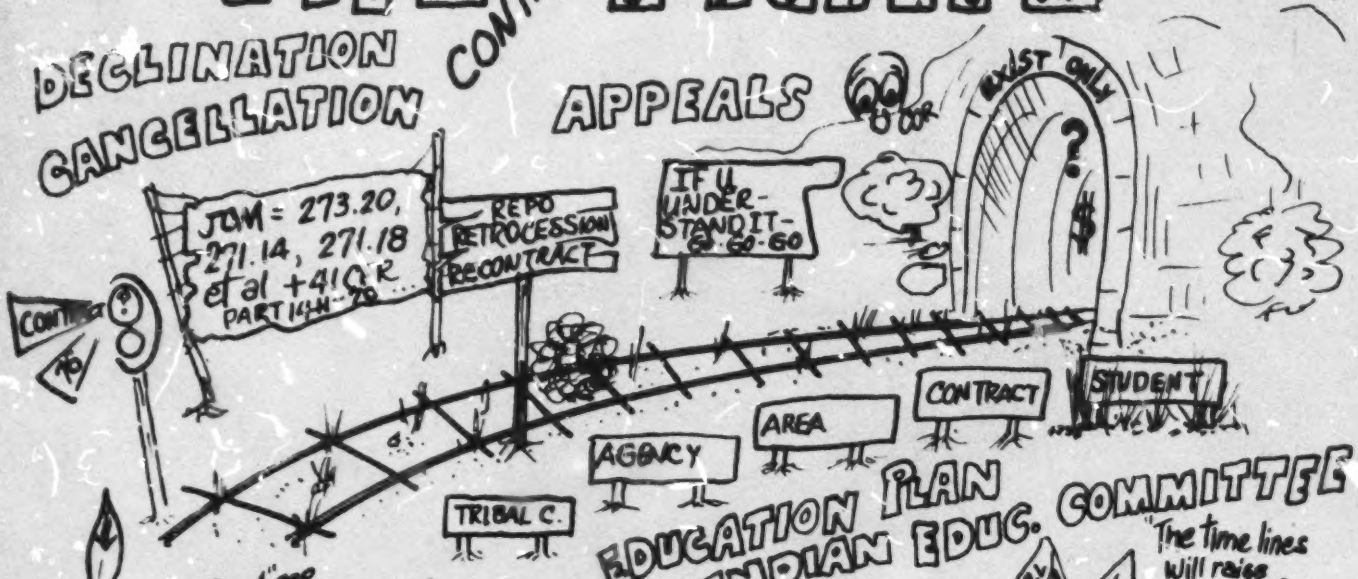
_____
Chairman, President, Governor

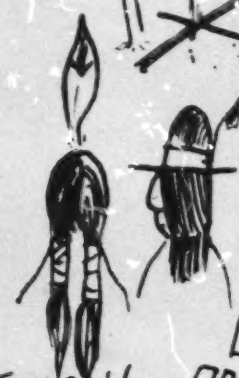
_____ Attested
Secretary

JOM

TRIBAL Organization Contract

THE TRAIL (at a glance)





EDUCATION PLAN
INDIAN EDUC. COMMITTEE

"Tribal RESOLUTION Organization"

PRIVACY & FREEDOM OF INFORMATION ACTS

ELIGIBLE INDIAN STUDENT

....remember →this a suppl'mntl...

"if you have any questions (smile) please do not hesitate to call on us" (the management)

see also 271.15 | 271.16 | 271.17 | 271.41 | 271.50

NOTE: When determining eligible Indian students you should check with the BIA agency membership rolls, or, Tribal offices; consult with public sch. districts for thier lists 13

KEEP ON TRUCKING

'hints' remember

DIV. IND. EDUC.

States
School Districts
Indian Corps.

APPLICATION

AREA OFFICE

"but"

Trabil Organizations = I.E.C.

APPLICATION

Tribal Governing Body

AREA OFFICE

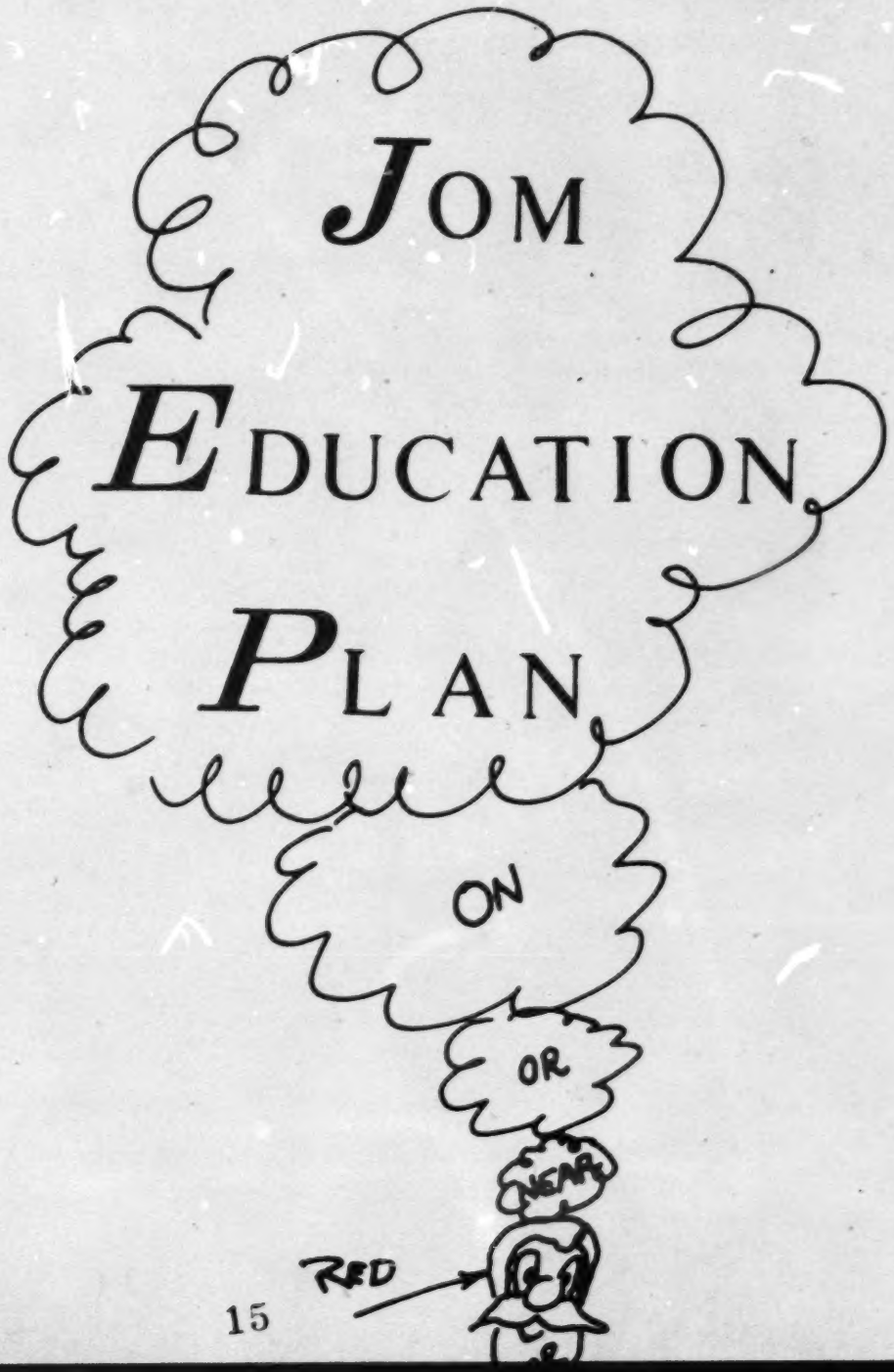
time 'ng 5 15 30 × 2

AD approves

NEGOTIATION

CAUTION:
KEEP ALL DUCKS
TOGETHER
&
SAFE

Contracting


JOM
EDUCATION
PLAN
ON
OR
NEAR
RED

CONVOY! "rubber duck" rats!

This here will be JOM part 273 presentation

ANY

State[a], school district[b], tribal organization or Indian Corporation[c] is eligible to apply for contracts 4 supplemental/ or operational support programs

HOWEVER { (a)(b)(c) will comply with Part 273
tribal organizations ~ 271 + 273 + 41 CFR 14H-70

This what you'll need (a)(b) & (c) 'u

1. Eligible Indian Students
2. Indian Educ. Committee
3. IEC's a. ~~guts~~ CONSTITUTION & BY-LAWS
4. Education Plan

ooooo now let's look at the I.E.C.

remember, the existence of an Indian Education Committee shall not limit the continuing participation of the rest of the Indian community in all aspects of programs contracted....

FOR T.O. SUCH SHD. BE CONSISTANT WITH TRIBAL POLICIES

POWERS & DUTIES

RECOMMENDS or PARTICIPATION

⇦ APPROVE or DISAPPROVE

(for the supplemental project)

- curricula
- personnel
- cancellation
- planing
- development
- evaluation

} the Project

implementation

student

everything else goes in ---↓

"Constitution and By-Laws"

5. IEC's PROJECTS

Fried Bread Sales ?

6. SUPPLEMENTAL or SPECIAL PROJECTS

Math

Sciences

classroom

cultural

on-site

7. LIST. of : (People List)

IEC

STUDENTS

SCHOOL BOARD

+ HOW Many 'R' Indian EMPLOYEES

+ DITTO on Indians TRIBES or IND. ORG.

includes school districts to be served

List contn. 8. STATS or DUCKs

AVERAGE OPERATIONAL COST

OTHER FED. FUN dingaling

ADMINISTRATIVE COST & MANAGEM'T OUTLINE or STRUC.

BUDGET s

9. ASSURANCES :

→ MAX. IND. PART.

→ FACILITIES OPEN TO VISITATION

⇨ NO-NO DISCRIMINATION

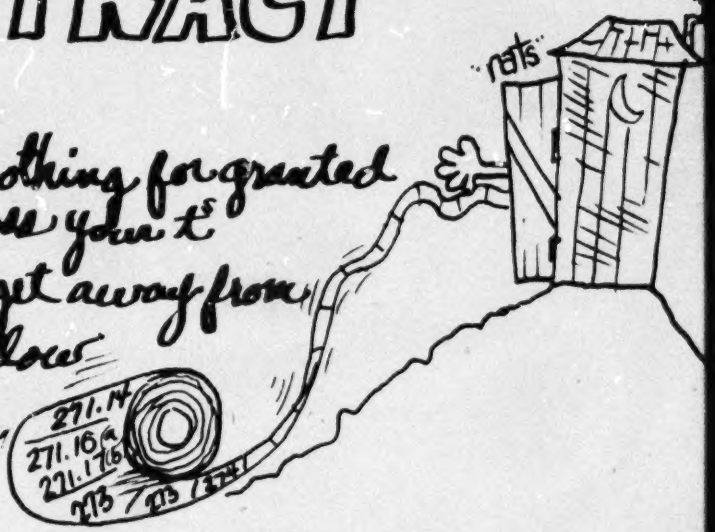
⟶ PARENT & COMM. INVOLVEMET

INDIAN PREFERENCE

PRO-RATA !!!

10. APPLICATION TO CONTRACT

Caution: take nothing for granted
dot your i's and cross your t's
don't let things get away from
you ~ just follow
the instructions



11. FREEDOM of INFORMATION 'N' RIGHT of PRIVACY ACT's

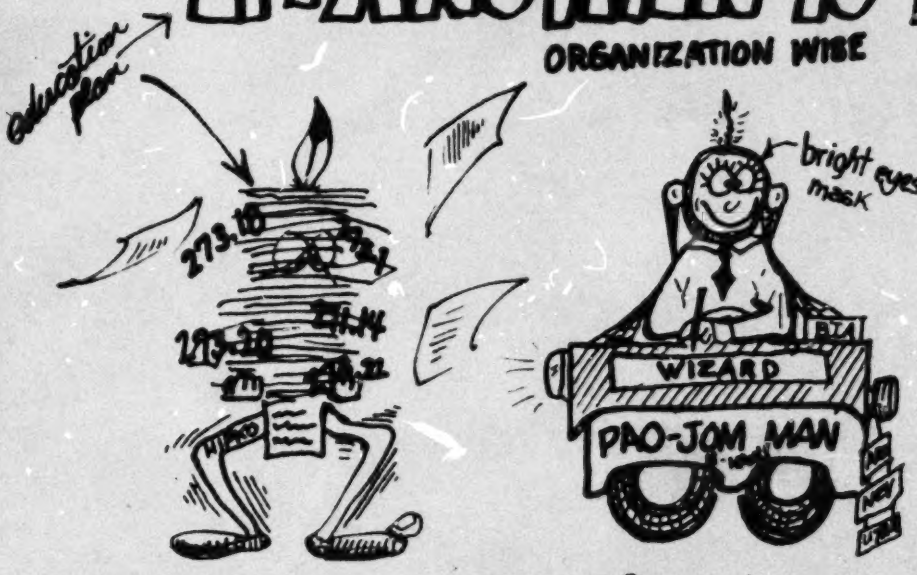
21

END of TOM Part

EP: ANOTHER WAY TO DO IT!

ORGANIZATION WISE

(somethingu)



instead of.....

trying to hit a moving target with all the requirements scattered then cut one pile of.... this way → into parts.....

CUT the DECK

TOP

1. INITIATION

- COVER SHEET (signatures Contractor & IEC) "ORIGINAL"
- "HELLO" letter
- Table of CONTENTS
- RESOLUTION or Application to PARTICIPATION
- Organization Structure ID SHEET
- IEC ROOSTER (list)

2. EDUCATION PLAN

- ABSTRACT or SUMMARY PROJECTS & BUDGETS
- PHILOSOPHY & DESCRIPTION w/ NEEDS ASSESSMENT
- GOALS
- OBJECTIVES
- ACTIVITIES
- Monitoring & Evaluation

3. OPERATING

- IEC PROJECTS
- SUPPLEM'TL PROJECTS w/ BUDGETS
- in COMPONENTS or other methods
- PLAN of OPERATION MANAGEMENT SHEET w/ STRUCTURE
- DISSEMINATION INFO. SHEET w/ PRINTING of RESULTS INFO.
- TOTAL LINE ITEM BUDGET

4. BACK UPS

- LIST of ELIGIBLE INDIAN STUDENTS w/ IEC CERT. or ASSR.
- I.E.C. Constitution & By-Law
- STATS... PPE LAWS CODES DUCKS $ INFO
- MISC. personnel summaries

BOTTOM

WHAT'S

one for the road .....

funds may be used other in places* than the public or private schools in the community affected

BUT HOW MUCH DO WE GET ??

* this may be helpfel in planning cultural trips

aloha!

funds shall ~~will~~ be apportioned among the states on a substantially equal basis based on the number of eligible Indian students for whom funds are sought THEN distributed among the contractors within each state so that each one will get approximately the same amount for each student..... (the Commission may make exceptions)

With allowances for actual costs

THEN apply the weighted formula

a few words on ..... "SHAZAM"

41 CFR PART 14H-70

" ?!!!@*v"/☆+-*@ nats ??? "

(this is the "Indian" Procurement Regulations)

" THE PROVISIONS of THIS PART* 14H-70 APPLY ONLY TO THOSE CONTRACTS between the BIA & INDIAN ORGANIZATION entered into pursuat to the ACT "

* for the purpose of this part.... the definitions in 25 CFR 271.2 also apply to this part.... such contracts will be negotiated on a non-competitive basis.... COST REIMBURSEMENT TYPE contract will be used for all contracts made pursuant to this PART...

other stuff in the regs

school construction

274 for Tribally Operated Previously Private Schools

215 Stuffing

276 UNIFORM GRANT Admn. Req.

277 SCHOOL CONSTRUCTION

Title 41
Chapter 14-H
Part 14H-70

NOTE:

if u made it this far u can be called a JOM pinball Lizard = bouncing from to X to X

TILT

SOME HINTS TO TAKE HOME

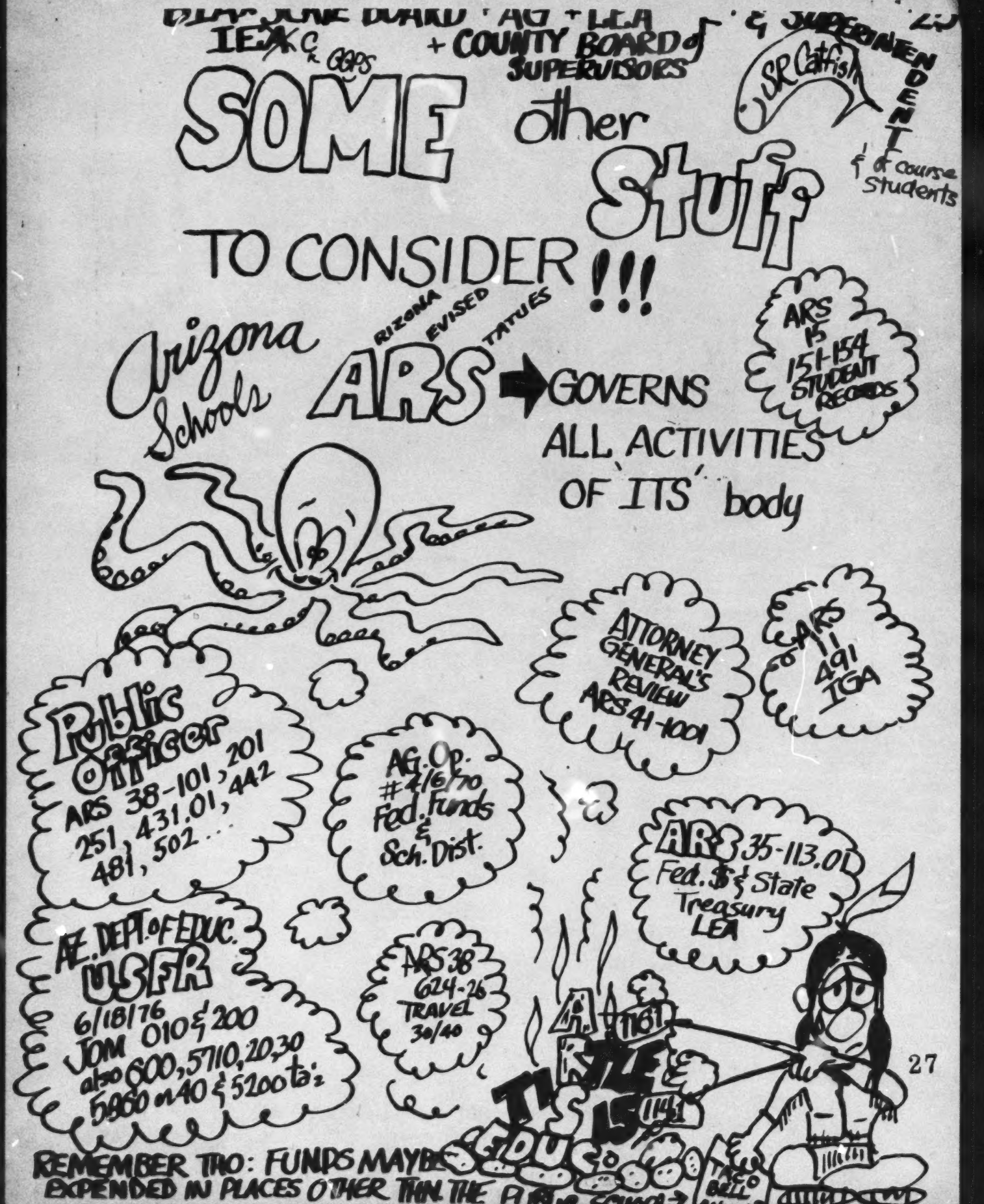
after a 638 CONFERENCE

* develop your management structure

(or atleast recognize it when you see it . . . . .)

May we recommend: On "ID SHEET"

de Minimus


STATE BOARD + AG + LEA
IEA & CCPS
+ COUNTY BOARD of SUPERVISORS
& SUPERINTENDENT
USR Catfish
& of course Students
SOME other Stuff
TO CONSIDER !!!
Arizona Schools
ARS (ARIZONA REVISED STATUTES)
GOVERNS ALL ACTIVITIES OF ITS body
ARS 15 151-154 STUDENT RECORDS
ATTORNEY GENERAL'S REVIEW ARS 41-1001
ARS 11-491 IGA
Public Officers ARS 38-101, 201 251, 431.01, 442 481, 502...
AG. Op. #4/6/70 Fed. Funds & Sch. Dist.
ARS 35-113.01 Fed. $'s State Treasury LEA
AZ. DEPT. OF EDUC. USFR 6/18/76 JOM 010 & 200 also 600, 5710, 20, 30 5960 or 40 & 5200 to 2
ARS 38 624-26 TRAVEL 30/40
TITLE 15
EDUCATION
REMEMBER THO: FUNDS MAYBE EXPENDED IN PLACES OTHER THAN THE

the last page

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ooo□□□ooo 638 Special

thanks for taking the time to tangle oooo

with this zany attempt at somedayssomeomes dessertation .... if you wood like to suggest something for eddition or dispossal ... forget it ... it's not possible ...

Terry Leonard Philosophy

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to be continued....

Denver colo.
Results of MEETING
our theme
"relax 'n' enjoy it"
8 mystery guest!
the Beaghost Bird strikes again!
MARCH 9-10-? '76
Tucson Ariz.
Reno
DC
Elko
Washo
CAL.
Pyramid lake
JOM TROPHY
"Needles Bridge Set"
Hey look at what we won!
We learned of the great Shoeshonie-pieute Wars
NOGALES
Ft. MOHAVE
yuma
Las Vegas
ARIZ.
NEV.
we heard of RED BRIDGE @ Dyer Nev.
LARRY
JACKIE
GLORY
We did it both ways
UTAH
THE JOM 49'er
CHARLIE-638 GA
Kayenta
"All Round CONFERENCE INDIAN"
NAPIO/BEAGHOST/RICHMOND
the JOM coloring BOOK!